

IS ORGANIC ACT WRONG?

Upon Jurisdiction of Circuit Judges.

Different phases of the Parker Ranch controversy were before Judge Gear yesterday. A motion to set aside the writ of prohibition to restrain Judge Gear from proceeding with an injunction against the Third Circuit Court at Kailua, Hawaii, was continued in the Supreme Court until tomorrow owing to the absence of Justice Hatch.

Judge Gear denied the motion for a rehearing of demurrer to J. S. Low's amended petition for the removal of A. W. Carter as guardian of Annie T. K. Parker, a minor. In the afternoon until after the closing hour, 4 o'clock, the question of jurisdiction was being thrashed out. S. M. Ballou, A. A. Wilder and S. H. Derby were present for Mr. Carter. The opening was made by Mr. Ballou. J. A. Magoon, attorney for Mr. Low, occupied hours in replying. He contended that the Judge of a Circuit Court had inherent jurisdiction in probate matters, saying that if the Organic Act excluded the Judge from such powers it was unconstitutional.

CONTEMPT CASE ENDED.

Judge Matthewman of the Third Circuit last week rendered a decision dismissing, "for lack of jurisdiction according to the record," the contempt proceedings in the Parker matter against Samuel Parker, J. Alfred Magoon and J. Lightfoot. They were charged with disobeying an injunction of the court and their acquittal is based on the fact that there was no allegation showing that their alleged conduct was intentional. Contempt proceedings being quasi criminal they are penal and, when not committed in presence of the court, the accused is entitled to a hearing. These findings of law Judge Matthewman obtains from a variety of American and English decisions.

INJUNCTION ON EXECUTION.

C. B. Maile brought an injunction suit against J. W. Pratt, assessor of taxes, H. van Gleson, trustee, and others to prevent a conveyance of land sold under execution for delinquent taxes. Returns have been filed by van Gleson and A. M. Brown, High Sheriff, making statements to show that the sale was legal and fair. H. van Gleson has also filed a demurrer. It appears van Gleson, who is a policeman, bought the property at sheriff's sale, but he says he did so in his individual capacity, and High Sheriff Brown denies that the fifty per cent. deposit insisted on was to keep out bidders other than van Gleson.

HIGHWAY INJUNCTION.

William McCandless demurred to the bill to restrain obstruction of highway brought against him by the Territory of Hawaii on the relation of Lorrin Andrews, Attorney General. It is alleged in the petition that there is and has for a long time been a highway in Honolulu extending from King street to the rice mill of Y. Ahin. Respondent in his demurrer contended that the allegation was insufficient, inasmuch as the manner whereby the alleged highway was established was not set forth. Judge De Bolt overrules the demurrer and gives the respondent five days within which to answer, quoting the law as being that "the thoroughfare alleged to be obstructed should be described as a public highway but the manner in which it became such need not be alleged."

MRS. CLARK'S WILL.

The will of the late Annie Clarke was admitted to probate by Judge De Bolt, and Thomas K. Clarke, husband of the testatrix, appointed sole executor without bond as directed in the will. Henry Holmes appeared for the petitioner. After the payment of her just debts, and funeral and testamentary expenses, the testatrix gives her daughter, Bella Hatfield and Fanny Babcock \$100 each. All the remainder of her estate is devised and bequeathed upon trust to her husband and her son, John Clarke, to permit her husband, Thomas K. Clarke, to have the use and enjoyment and receive the net income thereof during the term of his natural life for his own use and benefit, without impeachment for waste, and, on the death of her husband, her residuary estate shall be held in trust for her children, Mrs. Joseph Little, Mrs. Norman Watkins, Emily Clarke, Benjamin H. Clarke, John K. Clarke and Robert Clarke, in equal shares. The estate consists of realty valued at \$4,500 and personality at \$1,597.50.

THE PHILLIPS ESTATE.

Judge De Bolt appointed P. D. Kellett, Jr. as master to report on the final account of Cecil Brown, executor of the estate of William Phillips, deceased, and to compute the inheritance tax. There is a balance of \$17,886.23 to be distributed. One-half of the estate was left to the widow and the other half to the heirs of Sarah Phillips, sister of the testator. Five such heirs have been judicially discovered, living at Syracuse, N. Y. Besides the personality there is real property belonging to the estate, being land at the northeast corner of Fort and Kukui streets of an appraised value of \$1,500.

CONGON ESTATE SALE.

Charles Phillips, administrator of the estate of Henry Congdon, deceased, gives notice of sale of the following properties, pursuant to the order of Judge Gear, viz: Piece of land at the south slope of Punchbowl Hill, containing an area of 12.150 square feet, and lots 1, 2 and 3 of Napoalan park addition. The sale will take place at

the Judiciary building on Monday, September 19, at 12 o'clock noon.

OTHER PROBATE MATTERS.

Judge Gear appointed Wahinelewaia Maewa administratrix of the estate of Ben Kaunahi, deceased, under \$50 bond.

The accounts of S. Achial, administrator of the estate of Mokujiro Sakuragawa, as amended by the report of Wm. R. Sims, master, were approved by Judge Gear. It was ordered that the administrator be discharged on filing of receipt from widow of her share of the balance of \$826.72 and depositing in court \$672.91 as the share of the minor child.

OTHER KAILUA DECISIONS.

Judge Matthewman also overruled defendant's motion to vacate the order appointing a receiver in the Parker Ranch case. He also refused to grant defendant's motion to dismiss the bill brought by A. W. Carter on which a receiver was appointed. Judge Matthewman also enjoined Samuel Parker and his attorneys from further prosecuting the action against the Metropolitan Meat Company. He denied Carter's motion to enlarge the powers of the receiver. The decisions on the whole are favorable to A. W. Carter.

COURT NOTES.

The Metropolitan Meat Co., Ltd., by its attorneys, Holmes & Stanley, files a general denial to the complaint of Samuel Parker.

Judge De Bolt granted a decree of divorce to J. H. Kunewa against Fannie K. Kunewa on the ground of habitual intemperance of the defendant. W. C. Achi appeared for plaintiff.

POLO BALL A SUCCESS.

(Continued from Page 1.)

Deering, Fred Knight, L. R. Freeman, Dr. Humphris, Judge Lindsay, L. von Tempisky, W. H. Rice, Jr., Malha, Richard Cooke, Dr. Murray, Fred Baldwin, T. A. Hays, H. W. Lake.

At the breaking up of the dinner the diners invaded the rotunda and sang a number of Hawaiian songs, afterwards joining the ladies who were in waiting on the lanais, listening to the excellent program rendered by the Hawaiian Government band, the concert being a compliment to the polo players by Governor Carter. At the conclusion of the dance the Ellis quintet struck up the first waltz in the large dining room.

The floor was in excellent condition and the hall was embellished with symbols of polo playing. Suspended from the arcs of lights in the ceiling were ropes at the ends of which were polo saddles, mallets, caps, spurs and balls, while potted palms dotted the interior. The punch table was placed in the mauka end of the hall, being served from deep bowls.

The colors of the two visiting clubs—red for Kauai the victorious, and yellow for Maui—were conspicuous both in the hall decorations and in the handsome toilettes of the gentler sex.

The happy company was augmented later in the evening by several parties of diners who had been entertained at private homes. The lanais, walks and dancing floor were filled with guests, the affair being one of the largest given this season.

Among those present beside the gentlemen above-named were Admiral Terry, U. S. N., Mrs. Terry, Mr. Mason Terry, Col. McLellan, U. S. A., Mrs. George Bliss, Dr. and Mrs. F. Howard Humphris, Princess Kawananakoa, Princess Kalaniana'ole, Mrs. Edward Tenney, Mrs. Helen Noonan, Mrs. C. W. C. Deering, Miss Jennie Giffard, Misses Scofield of New York City, Miss Genevieve Dowsett, Miss Violet Makee, Miss Claire Williams, Mr. and Mrs. W. T. Rawlins, Mr. and Mrs. William Haywood, Mr. and Mrs. C. T. Holloway, Mrs. H. W. Lake, Misses Macfarlane, Mrs. J. S. Walker, Mrs. Lorrin Andrews, Miss Andrews, Miss Marion Roth, Mrs. George Angus, Miss Angus, Misses Macfarlane, Mrs. Harry Macfarlane, Mrs. Frank Baldwin, Mrs. George Fairchild, Miss Soper, Miss Rosie Cunha, Mr. Cunha, Mrs. Highton, Mrs. F. M. Hatch, Miss Kaufman, Mr. and Mrs. Humburg, Mrs. Klamp, Mrs. Center, Mrs. Cooper, Mrs. C. M. V. Foster, Miss Alice Campbell, Miss Juanita Beckley, Mr. and Mrs. Percy Benson, Miss Maude Benson, Miss Scott, Mrs. Ivers, Major Benson, Mr. and Mrs. L. R. Crook, Mrs. Fred

ELECTION PROCLAMATION MAKES NEW PRECINCTS

Governor Carter yesterday signed the proclamation for the general election on November 6. The original is typewritten upon heavy paper and with the Governor's signature bears the big gilt seal of the Territory on gay fastening of red ribbon.

The Governor gave out a statement with regard to changes of voting precincts made in the proclamation. It was on behalf of good government that he had reduced the size of a number of large precincts, creating new ones and transferring parts of some to others.

Great pressure was brought to bear on the Governor for postponing the work of alteration until two years hence, but he had decided that the necessity existed now and should be met. Probably other changes would be due before next succeeding election. Complaints were general at last election that some of the precincts were too large, making it a matter of great difficulty to poll all the votes. Trouble existed on the other islands from having some of the polling places almost inaccessible to considerable numbers of voters owing to the ruggedness of the country.

In the Governor's judgment, the first consideration should be to give every possible facility to the voters, which would be a strong factor making for an honest election. Experience had shown that opportunities for fraud and false returns were greater in a large than in a small precinct.

Regarding the argument that he had heard against the changes—that of liability of upsetting the organizations of precinct clubs—the Governor admitted that some confusion might arise, but felt that there was yet time before the height of the campaign for reorganization of clubs that might be disturbed. In one respect there would be a decided advantage, that of having more precinct clubs, more officers and more workers. The central committee could take hold and arrange for new precinct elections wherever required, and it would not be long until the inconveniences of change would wear off.

Following is a statement of the changes made in precincts throughout the Territory:

In the First Representative District, Island of Hawaii, there is but one change, an extra precinct being made in Puna.

No changes are made in the Second District.

The Third District, consisting of the islands of Maui, Molokai and Lanai, is given five new precincts. On the island of Maui, where there used to be 13 precincts, there are now 16. Wailuku, formerly the 7th precinct, is divided between the 7th and 8th. Koolau has an additional precinct and so has Kaupo. Molokai has four instead of its former two precincts. Lanai is unchanged.

Considerable changes are made in the Fourth and Fifth, into which Oahu is divided. The 1st precinct of the Fourth District is split on the line of King street and Waiatae road. All on the northern side of the line retains the old number (1), with polling place near the foot of Punahou street. Below the line constitutes the new No. 10 precinct, taking in Waikiki, Kapahulu and Kaimuki, with polling place at the Rapid Transit junction, King and Alexander streets. This is a very convenient location, as all the car lines converge here. The 8th precinct—itsself cut out of the 2nd two years ago—is now divided on the King street line. No. 8 polling place remains at Thomas Square and that of the new precinct, No. 9, is located at South street and Kawaiahao lane. From the 4th precinct with 700 voters four blocks are taken and put into the 6th, the latter having heretofore had but 234 votes and gaining about 100 by the change. No. 4 keeps its old polling place at Emma Square, but No. 6 poll is changed from Honolulu Hale (beside the postoffice) to a place near the central fire station, Fort and Beretania street. Where the bounds of No. 6 used to end at Beretania street, they now extend north to Vineyard street and east to Emma street.

The Fifth District sustains material changes. Iwilei section is cut off the 7th and added to the 10th precinct. Whereas the "fighting seventh" had 707 votes, the 10th had only 269. The rest of the 7th is cut in two, the new precinct to be known as the 11th with polling place at Gulick avenue. What is left of No. 7 will still vote at Kalihi pumping station.

The Sixth District, islands of Kauai and Niihau, is not changed.

Knight, Dr. and Mrs. High, Mrs. A. M. Brown, Mr. and Mrs. A. G. Hawes Jr., Mrs. Charles F. Chillingworth, Miss Williamson, Mr. and Mrs. Fred Church, Mrs. Walter Hoffmann, Miss Danford, Mr. and Mrs. C. P. Morse, Miss Dietz, Captain Nichols, U. S. A., Miss Alice Jones, Mr. and Mrs. Faxon Bishop, Consul and Mrs. R. de B. Layard, Miss Lishman, Messrs. Isaac Dillingham, R. G. A. Peterson, Campbell, Adrian Spillado, Walker, W. W. Thayer, Frank Hatch, A. Lewis Jr., D. W. Anderson, A. A. Wilder, C. A. Brown, Wentworth Buchanan, W. C. Parke, Stewart Johnson.

THE FOURTH FOR KUHIO

(Continued from Page 1.)

eight precinct, one; fifth and sixth precincts, one; third and seventh precincts, one. The names selected are as follows:

First precinct, W. W. Harris; second precinct, W. T. Rawlins; third and seventh precincts, E. Faxon Bishop; fourth precinct, A. G. M. Robertson; fifth and sixth precincts, Captain Sam Johnson; eighth precinct, Mr. Beal.

The fourth, after being canvassed confessed to a considerable number of proxies to the convention. Capt. Sam Johnson has a pocket full of them, although the Fourth will be well represented by personal delegates.

HONOLULU VS. HILO WIRELESS CHESS

Following are the positions to date of the two wireless telegraph chess games between Honolulu and Hilo:

GAME A—RUY LOPEZ.

White.

Moves. Honolulu.

1. P-K 4.
2. Kt-K B 3.
3. B-Kt 5.
4. B-R 4.
5. Castles.
6. P-Q 4.
7. P-K 5.
8. Kt-K 6.
9. R-K 1.
10. BxKt.
11. K-Q B 3.
12. Kt-B 5.
13. Q-K Kt 4.
14. P-K 6.
15. BxKt.
16. QxR.
17. Q-K 6ch.
18. QR-Q1.

Black.

Moves. Hilo.

1. P-K 4.
2. Kt-K B 3.
3. P-Q R 3.
4. Kt-B 3.
5. B-K 2.
6. PXP.
7. Kt-K 5.
8. Castles.
9. Kt-Q B 4.
10. QxKt.
11. P-K 3.
12. P-K B 3.
13. Kt-K Kt 4.
14. BXP.
15. BxKt.
16. PXR.
17. R-K 2.

GAME B—QUEEN'S GAMBIT DECLINED.

White.

Moves. Hilo.

1. P-Q 4.
2. P-K B 4.
3. Kt-K B 3.
4. B-Kt 5.
5. P-K 3.
6. Kt-B 3.
7. B-Q 3.
8. Castles.
9. PXP.
10. BxR.
11. Kt-Kt.
12. Q-Q B 2.
13. P-Q R 3.
14. Kt-K 5.
15. B-Kt5.
16. Q-B5.
17. Q-Q3.

Black.

Moves. Honolulu.

1. P-Q 4.
2. P-K 3.
3. Kt-K B 3.
4. Q-Kt 2.
5. B-K 3.
6. Castles.
7. P-Q Kt 3.
8. B-Kt 2.
9. KtXP.
10. QxR.
11. PxKt.
12. Kt-K B 3.
13. P-Q R 4.
14. P-QB4.
15. KR-B1.
16. P-R5.
17. QR-R4.

Former Judge Humphreys is reported by the Bulletin as stating that former Justice Galbraith would return from Oklahoma to Honolulu in October, when the law firm of Galbraith & Humphreys would be established.

LABOR DAY AT HAND

But Unions Will Not Indulge In Parade.

Labor Day comes next Monday, September 5, but there is little likelihood of any demonstration taking place on the part of the labor organizations. It will probably be a quiet holiday, with every man for himself to enjoy the day as best he can.

E. W. Quinn and Jack Mansfield stated yesterday that they knew of no preparations for the observance of the day with parades or speechmaking, as the unions were not strong enough to do much. "Jack" Mansfield had even so far forgotten that such an event as Labor Day was so close at hand.

"No, I'm sure the labor unions won't do anything," said he, "because the organization are at low ebb as far as strength is concerned. The boys will probably observe it quietly."

THE MOLOKAI WHISKEY RING

Editor Advertiser:—The law and order people on Molokai have just had a most gratifying experience.

Last week two Federal officers quietly landed on the island, and speedily exposed the large amount of illicit liquor selling which had escaped the notice of Deputy Sheriff Hitchcock, and his police. We welcome the stand your paper has taken on the Kauai whiskey ring. It is a strange and painful fact that the liquor consigned to an officer of the law here (Molokai) equals that of any joint between Pukoo and Kaunakakai. At the polling station, Pukoo, last November election, three out of the four officers were in a stupidly drunk and maudlin condition, exhibiting themselves before over a hundred people.

LAW AND ORDER.

ATTACKS OF COLIC, cholera morbus, pains in the stomach, dysentery and diarrhoea come on suddenly and so often prove fatal before a physician can be summoned, that a reliable remedy should always be kept at hand. Chamberlain's Colic, Cholera and Diarrhoea Remedy has no equal as a cure for these ailments. It never fails to give prompt relief even in the most severe cases. It is pleasant to take and every household should have a bottle at hand. Get it today. It may save a life. For sale by Benson, Smith & Co., Wholesale Agents.

AN ABOMINABLE PEST.

"There is no vicious growth in Africa or the world," writes a traveler, "to compare with the detestable thing popularly called 'cowitch' and known to botanists as the mucuna bean. This is a plant having small seed pods covered with a close array of fine, silky hairs, which, when shaken loose, fasten in myriads upon the unconscious wayfarer and, reaching all parts of the skin, set up an irritation which words are literally powerless to describe. A man attacked by this abominable pest gives way for the time to absolute frenzy. * * * If a precipice were at hand he might almost be forgiven for jumping over it, so wholly unendurable is that burning, pricking, clinging itch."—Chicago News.



Poor little fellow! He coughs so hard he cannot sleep. That makes him weak and sickly all the next day. His brother thinks this coughing is terrible. So do we, for we know that just a few doses of

Ayer's Cherry Pectoral

will cure this cough. For 60 years it has been the standard cough remedy for children. Look out for cheap imitations. Get the genuine.

In large and small bottles.

Avoid counterfeits. Hatched a cure by the use of Ayer's Pills.

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